

REMARKS

Overview

Claims 134-148 currently stand allowed. The Examiner also responded in the prior Office Action as follows: rejected claims 149-219 under 35 U.S.C. § 102(e) as being anticipated by Burkey et al. (U.S. Patent No. 6,446,076).

Applicants hereby amend claims 149-150, 158, 168, 176-180, 182, 186, 192, 195 and 198 in order to clarify the subject matter of their invention. Thus, claims 134-219 continue to be pending.

Analysis

Applicants thank the Examiner for the indication of allowable subject matter for claims 134-148.

However, while each of the other previously pending claims 149-219 has been rejected under 35 U.S.C. § 102(e) as being unpatentable over Burkey, Applicants believe that each of the pending claims as rejected includes features and provides functionality not disclosed by Burkey. Thus, each of the pending claims as rejected is believed to be allowable.

For example, previously pending independent method claim 199 generally recites having multiple categories of themes based on the types of contextual situations to which the themes correspond, and selecting and using theme categories as part of identifying an appropriate response to a current contextual situation. In particular, claim 199 recites “receiving an indication of multiple theme categories that each correspond to distinct types of contextual situations, each of the theme categories having multiple associated themes each associated with a type of response that is appropriate to the corresponding type of contextual situation for that theme category”, “selecting one of the categories of themes based on the current contextual situation being of a type to which the selected category of themes corresponds”, “identifying one of the multiple themes of the selected category whose associated type of response is appropriate to the current contextual situation”, and “providing the associated type of response for the identified theme to the user”. Independent computer-readable medium claim 205 and independent computing device claim 206 each recite similar claim elements.

Conversely, Burkey does not appear to include any teaching, suggestion or motivation for grouping themes based on their use in any manner, let alone in the manners claimed based on categories of themes that correspond to contextual situations. Instead, Burkey appears to merely discuss the idea that a user may define multiple personas between which the user can manually select (e.g., a user's "At Work" persona and one or more "At Home" personas, such as with respect to Figure 12). The Examiner's only rejection of independent claims 199, 205 and 206 is that they "contain limitations similar to independent claim 149 and therefore are rejected under the same rationale." (Office Action dated October 6, 2004, page 16.) However, claim 149 made no mention of "categories" of themes, let alone the recited claim elements of claim 199 regarding the selection and use of theme categories each having multiple themes corresponding to a contextual situation for the theme category, and thus the rejection of claim 149 is inapplicable to claim 199. Moreover, while Burkey appears to make brief mention of generally handling different categories of information, such information categories appear completely unrelated to Applicant's claimed use of theme categories. Therefore, for at least the reason that Burkey appears to lack any teaching or suggestion related to Applicants' claimed use of theme categories, claims 199, 205 and 206 are allowable over Burkey, as are claims 200-204 that depend from those claims.

In addition, previously pending independent method claim 207 generally recites having multiple groups of themes that each correspond to a type of user, and selecting and using a theme group as part of identifying an appropriate response for a current user, but Burkey appears to lack any teaching, suggestion or motivation for grouping themes based on their use with types of users. In particular, claim 207 recites "receiving an indication of multiple theme groups that each correspond to distinct types of users, each of the theme groups having multiple themes as members that are each associated with a type of response that is appropriate to the corresponding type of user for that theme group", "selecting one of the groups of themes based on the current user being of a type to which the selected group of themes corresponds", "identifying one or more of the multiple themes of the selected group whose associated type of response is appropriate to the current user", and "providing the associated types of response for the identified themes to the current user". However, in a manner similar to that of claim 199, the Examiner merely rejects claim 207 "under the same rationale" as that of independent claim 149, despite the fact that the previously pending claim 149 made no mention of any type of "group"

of themes, let alone failing to include the recited claim elements of claim 207 regarding the selection and use of groups of themes each having multiple themes corresponding to a type of user for the theme group. Instead, the only “grouping” of personas in Burkey appears to be that multiple personas may be associated with a specific user, which appears unrelated to Applicants’ claimed groups of themes corresponding to types of users – in fact, Burkey would appear to teach away from associating a persona with multiple users of a type, since each persona appears to include information specific to a particular user. Thus, the prior rejection of claim 149 is similarly inapplicable to claim 207, and for at least the reason that Burkey appears to lack any teaching or suggestion related to Applicants’ claimed use of groups of themes related to types of users, claim 207 and its dependent claims 208-213 are allowable over Burkey.

Previously pending independent method claim 214 generally recites having hierarchical relationships of themes that each correspond to types of contextual situations, and selecting and using a theme based on its hierarchical relationship to other themes as part of identifying an response to be provided to a current user, but Burkey similarly appears to lack any teaching, suggestion or motivation for creating and using such hierarchical relationships between themes. In particular, claim 214 recites “receiving an indication of multiple themes that each correspond to types of contextual situations and that are each associated with a type of response that is appropriate to that corresponding type of contextual situation, each of the themes being hierarchically related to other of the multiple themes”, “identifying multiple of the indicated themes such that the current contextual situation is of a type to which those identified themes correspond”, “selecting one of the identified themes based on the hierarchical relationship of that theme to other of the multiple themes”, and “providing the associated type of response for the selected theme to the user”. However, in a manner similar to that of claim 199, the Examiner merely rejects claim 214 “under the same rationale” as that of independent claim 149, despite the fact that the previously pending claim 149 made no mention of any type of hierarchy of themes, let alone failing to recite the claim elements of claim 214 regarding the selection and use of themes based on their position in a hierarchy. Instead, the only “hierarchy” of personas in Burkey appears to be that multiple personas may be associated with a specific user, which appears unrelated to any hierarchy between the personas as claimed. Thus, the prior rejection of claim 149 is similarly inapplicable to claim 214, and for at least the reason that Burkey appears

to lack any teaching or suggestion related to Applicants' claimed use of hierarchy information for themes, claim 214 and its dependent claims 215-219 are allowable over Burkey.

Similarly, each of the previously pending claims 149-198 appear to be patentable over Burkey. For example, previously pending independent method claim 149 recited "each of the accessible themes representing a contextual situation and associated with a type of response that is appropriate to the represented contextual situation, each of the contextual situations represented with multiple context attributes related to that contextual situation and with criteria for determining values of those context attributes that match that contextual situation" and "use by that computing device in providing the type of response associated with that identified theme when the contextual situation represented by that identified theme occurs", and independent computer-readable medium claim 192 and independent computing device and computer system claims 195 and 198 each recite similar claim language. While the Examiner has asserted that Burkey's personas correspond to Applicants' claimed themes, Applicants can find no support in Burkey that each persona is "associated with a type of response that is appropriate to the represented contextual situation" and that the associated type of response for an identified theme is provided to the user "when the contextual situation represented by that identified theme occurs", nor for "each of the contextual situations [being] represented with multiple context attributes related to that contextual situation and with criteria for determining values of those context attributes that match that contextual situation". Thus, for each of those reasons alone, claims 149-198 appear to be patentable over Burkey.

Moreover, Applicants have amended each of the independent claims 149, 192, 195 and 198 to further clarify the subject matter of the claimed inventions, and thus these claims as amended are further patentable over Burkey. For example, claim 149 as amended recites "each of the indicated computing devices being a body-mounted device of a user", "automatically identifying a group of multiple of the accessible themes as being appropriate for that body-mounted computing device based at least in part on relationship information that indicates that the multiple themes belong to the group", and "automatically distributing each of the identified themes of the group to that body-mounted computing device for use by that computing device in providing information to the user of that computing device, so that the body-mounted computing device provides information to the user based on one of the distributed identified themes of the group when the contextual situation represented by that identified theme is automatically

determined to best match a contextual situation of the user, the providing of the information performed in such a manner as to be based on the type of response associated with that identified theme.”


However, Burkey appears to lack any teaching, suggestion or motivation for each of (1) use of such claimed themes with body-mounted computing devices; (2) having groups of multiple themes that are automatically identified as being appropriate for a body-mounted computing device based at least in part on relationship information for the themes, and (3) automatically distributing a group of themes to a body-mounted computing device so that a theme that is automatically determined to best match a contextual situation of the user is used to provide a response to the user. Thus, for at least each of these reasons, claim 149 and claims 150-191 that depend from claim 149 appear to be patentable over Burkey. Similarly, each of the independent claims 192, 195 and 198 contain similar claim elements for one or more of these aspects, and thus similarly appear to be patentable over Burkey for each of one or more of those reasons.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC


James A. D. White
Registration No. 43,985

JDW:mt

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

537049_1.DOC